IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 18292 of 2006(C)

AGAINST THE ORDER IN IA 1005/06 IN
OS.288/2004 of MUNSIFF COURT, CHANGANACHERRY
.....

PETITIONER:

RADHAMONY, AGED 56 YEARS,
W/O. LATE GOPALAKRISHNAN, MANIMANDIRAM HOUSE,
PAIPADU VILLAGE, CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

CHELLAPPAN PILLAI, RESIDING AT
LAKSHMI BHAVAN, PAIPPADU VILLAGE,
CHANGANACHERRY.

BY ADV. SRI.K.JAGADEESCHANDRAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1. True copy of plaint in O.S.288/04 submitted by respondent before the Munsiff's Court, Changanacherry

Ext.P1(a). True copy of written statement filed by petitioner in O.S.288/04 of the Munsiff's Court, Changanacherry

Ext.P1(b). True copy of Memorandum of appeal in Mat Appeal 70/05 filed before this Honourable Court.

Ext.P2. True copy of plaint in O.S.215/05 filed by sister-in-law of petitioenr on the file of Munsiff Court, Changanacherry

Ext.P2(a). Written statement filed by the petitioner in O.S.215/05 of the Munsiff Court, Changanacherry.

Ext.P3. True copy of joint trial petition (I.A.No.1099/06) in O.S.288/04.

Ext.P4. True copy of order in I.A.1005/06 in O.S.288/04 of the Munsiff Court, Changanacherry.

/ True copy /

KURIAN JOSEPH & A.K.BASHEER,JJ.

W.P(C)No.18292 of 2006

Dated this the 9th day of January, 2007

JUDGMENT

Kurian Joseph,J.

The writ petition is filed with the following prayers:-

> (i) to set aside Ext.P4 order dated 5-7-06 in I.A.No.1005/06 in O.S.288/04 on the file of the Munsiff's Court, Changanacherry.
>
> (ii) to issue a direction to the Munsiff's Court, Changanacherry to consider and pass orders on I.A.No.1099/06 in O.S.No.288/04 for jointly trying the above suit, with O.S.No.215/05, after considering the relevancy of the decision in Ext.P1(b) Mat.Appeal 70/05 pending before this Honourable Court.

O.S.No.288/2004 is filed by the father-in-law of the petitioner and O.S.No.215/2005 is filed by the sister-in-law of the petitioner. Both claimed right over the property of the late husband of the petitioner. According to the petitioner she is the legal heir entitled to the estate of the late husband. Since the issue raised in both the original suits are one and the same and since it is submitted that the petitioner herein has filed joint trial applications in both the suits, there will be a direction to the Munsiff Court, Changanacherry to consider the applications for

joint trial filed by the petitioner herein in O.S.No.288/2004 and O.S.No.215/2005 and pass appropriate orders thereon in accordance with law expeditiously.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(A.K.BASHEER, JUDGE)

ahg.